IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

LA.App..No. 458 of 2007()

(AGAINST THE JUDGMENT AND DECREE IN LAR.43/2004 OF THE ADDL.SUBORDINATE JUDGES COURT, THALASSERY)
.....

APPELLANT: CLAIMANT:

V.C.KAMALAKSHY,
D/O SAROJINI, CHALA, PADINJAREKKARA,
P.O.THOTTADA, KANNUR DISTRICT.

BY ADV. SRI.JOBY JACOB PULICKEKUDY

RESPONDENTS: RESPONDENTS:
----

1. **THE SPECIAL TAHSILDAR (LA),**
   THALASSERY.

2. **THE EXECUTIVE ENGINEER,**
   PUBLIC WORKS DEPARTMENT,
   ROADS SUB DIVISION, KANNUR.

BY GOVERNMENT PLEADER SRI. K.V. MANOJ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON I.A.NO.1457/2007 IN L.A.A.NO.458/2007

DISMISSED

17/07/2007 **SD/- J.B.KOSHY, JUDGE**

SD/- T.R.RAMACHANDRAN NAIR, JUDGE

/TRUE COPY/

P.S.TO JUDGE

KSS

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

L.A.A. No. 458 of 2007

Dated this the 17th day of July, 2007

Judgment

Koshy, J.

Contention raised by the appellant is that with regard to adjacent property covered by the same notification was disposed of by the civil court in L.A.R.No.64 of 2004. That is produced as Annexure A1 to the appeal petition. It was not considered by the court below. The above judgment was passed by the same court.

Heard the learned Government Pleader. The Government Pleader submitted that there is no evidence to show that the land covered by L.A.R. No.64 of 2004 is the same. It is for the parties to adduce evidence to that effect.

In the circumstances of the case, we set aside the order and remand the matter for further evidence of parties. Both sides are allowed to produce the documents. The matter should be disposed of as expeditiously as possible.

Appeal allowed by way of remand. Since the matter is remanded, court fee is directed to be refunded.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

vaa

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

L.A.A.NO.458/2007

JUDGMENT

Dated:17th July, 2007